

C.R.S. 42-20-101

This document reflects changes current through all laws passed at the First Regular Session of the Seventieth General Assembly of the State of Colorado (2015)

**Colorado Revised Statutes > TITLE 42. VEHICLES AND TRAFFIC > HIGHWAY SAFETY
> ARTICLE 20. TRANSPORTATION OF HAZARDOUS AND NUCLEAR MATERIALS > PART 1.
HAZARDOUS MATERIALS - GENERAL PROVISIONS**

42-20-101. Short title

Parts 1, 2, and 3 of this article shall be known and may be cited as the "Hazardous Materials Transportation Act of 1987".

History

Source:

L. 94: Entire title amended with relocations, p. 2516, § 1, effective January 1, 1995.

COLORADO REVISED STATUTES

C.R.S. 42-20-102

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HAZARDOUS MATERIALS - GENERAL PROVISIONS**

42-20-102. Legislative declaration

The general assembly finds that the permitting and routing of motor vehicles transporting hazardous materials is a matter of statewide concern and is affected with a public interest and that the provisions of parts 1, 2, and 3 of this article are enacted in the exercise of the police powers of this state for the purpose of protecting the health, peace, safety, and welfare of the people of this state.

History

Source:

L. 94: Entire title amended with relocations, p. 2516, § 1, effective January 1, 1995.

COLORADO REVISED STATUTES

C.R.S. 42-20-103

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Colorado Revised Statutes > TITLE 42. VEHICLES AND TRAFFIC > HIGHWAY SAFETY > ARTICLE 20. TRANSPORTATION OF HAZARDOUS AND NUCLEAR MATERIALS > PART 1. HAZARDOUS MATERIALS - GENERAL PROVISIONS

42-20-103. Definitions

As used in this article, unless the context otherwise requires:

- (1) "Chief" means the chief of the Colorado state patrol.
- (2) "Enforcement official" means, and is limited to, a peace officer who is an officer of the Colorado state patrol as described in sections 16-2.5-101 and 16-2.5-114, C.R.S., a port of entry officer, as defined in section 42-8-102 (3), a peace officer who is an investigating official of the transportation section of the public utilities commission as described in sections 16-2.5-101 and 16-2.5-143, C.R.S., or any other peace officer as described in section 16-2.5-101, C.R.S.
- (3) "Hazardous materials" means those materials listed in tables 1 and 2 of 49 CFR 172.504, excluding highway route controlled quantities of radioactive materials as defined in 49 CFR 173.403 (I), excluding ores, the products from mining, milling, smelting, and similar processing of ores, and the wastes and tailing therefrom, and excluding special fireworks as defined in 49 CFR 173.88 (d) when the aggregate amount of flash powder does not exceed fifty pounds.
- (4) "Motor vehicle" means any device which is capable of moving from place to place upon public roads. The term includes, but is not limited to, any motorized vehicle or any such vehicle with a trailer or semitrailer attached thereto.
- (5) "Patrol" means the Colorado state patrol within the department of public safety.
- (6) "Person" means an individual, a corporation, a government or governmental subdivision or agency, a partnership, an association, or any other legal entity; except that separate divisions of the same corporation may, at their request, be treated as separate persons for the purposes of part 2 of this article.
- (7) "Public road" means every way publicly maintained and opened to the use of the public for the purposes of vehicular travel, including, but not limited to, streets, bridges, toll roads, tunnels, and state and federal highways.

History

Source:

L. 94: Entire title amended with relocations, p. 2516, § 1, effective January 1, 1995. L. 2003: (2) amended, p. 1626, § 52, effective August 6. L. 2012: (2) amended, (HB 12-1019), ch. 135, p. 472, § 21, effective July 1.

C.R.S. 42-20-104

This document reflects changes current through all laws passed at the First Regular Session of the Seventieth General Assembly of the State of Colorado (2015)

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42-20-104. General powers and duties of chief - department of public safety - cooperation from other state agencies

- (1) In addition to any other powers and duties granted to him or her in parts 1, 2, and 3 of this article, the chief shall promulgate such rules and regulations and conduct such hearings as may be necessary for the administration of this article.
- (2) In addition to any other powers and duties granted to him or her in parts 1, 2, and 3 of this article and except as otherwise provided in parts 1, 2, and 3 of this article, the chief shall have the general authority and duty to carry out the provisions of parts 1, 2, and 3 of this article and shall promulgate such rules and regulations, subject to the provisions of article 4 of title 24, C.R.S., as may be necessary to clarify the enforcement provisions of parts 1, 2, and 3 of this article.
- (3) Upon request, other agencies of state government, including but not limited to the department of public health and environment and the department of transportation, shall provide advice and assistance to the department of public safety relating to the program established by parts 1, 2, and 3 of this article.

History

Source:

L. 94: Entire title amended with relocations, p. 2517, § 1, effective January 1, 1995.

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C.R.S. 42-20-105

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42-20-105. Enforcement

- (1) The provisions of parts 1, 2, and 3 of this article relating to the transportation of hazardous materials by motor vehicle may only be enforced by an enforcement official.
- (2) Any enforcement official shall have the authority to issue penalty assessments for the misdemeanor traffic offenses specified in sections 42-20-204 (1) and 42-20-305 (2). At any time that a person is cited for a violation of any of the offenses specified, the person in charge of or operating the motor vehicle involved shall be given a notice in the form of a penalty assessment notice. Such notice shall be tendered by the enforcement official and shall contain the name and address of such person, the license number of the motor vehicle involved, if any, the number of such person's driver's license, the nature of the violation, the amount of the penalty prescribed for such violation, the date of the notice, a place for such person to execute a signed acknowledgment of receipt of the penalty assessment notice, a place for such person to execute a signed acknowledgment of guilt for the cited violation, and such other information as may be required by law to constitute such notice as a summons and complaint to appear in court should the prescribed penalty not be paid within twenty days. Every cited person shall execute the signed acknowledgment of receipt of the penalty assessment notice. The acknowledgment of guilt shall be executed at the time the cited person pays the prescribed penalty. The person cited shall pay the specified penalty at the office of the department of revenue, either in person or by postmarking such payment within twenty days after the citation. The department of revenue shall accept late payment of any penalty assessment up to twenty days after such payment becomes due. If the person cited does not pay the prescribed penalty within twenty days of the notice, the penalty assessment notice shall constitute a summons and complaint to appear in the county court of the county in which the penalty assessment was issued at a time and place specified by the notice, unless payment for such penalty assessment has been accepted by the department of revenue as evidenced by receipt.
- (3) All enforcement officials may, at their discretion and in lieu of issuing the penalty assessments pursuant to subsection (2) of this section, issue warning citations to persons who violate the provisions of part 1, 2, or 3 of this article.
- (4) Enforcement of any law relating to the fixed-site storage or use of hazardous materials shall not be affected by the provisions of part 1, 2, or 3 of this article.

History

Source:

L. 94: Entire title amended with relocations, p. 2518, § 1, effective January 1, 1995. L. 2000: (2) amended, p. 1651, § 47, effective June 1. L. 2003: (1) amended, p. 664, § 2, effective August 6. L. 2006: (1) amended, p. 1064, § 2, effective July 1.

C.R.S. 42-20-106

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42-20-106. Regulatory authority of local governments - preemption - disposition of local fines and penalties

- (1) Except as specifically authorized in parts 1, 2, and 3 of this article, no county, town, city, or city and county shall have any authority to regulate the transportation of hazardous materials separate and apart from the regulation of other commodities. However, a county, town, city, or city and county may adopt and enforce regulations or ordinances which are no more stringent than the provisions of state law and regulations adopted pursuant thereto, if violations of such local regulations or ordinances carry penalties which are not more than the penalties imposed upon violations of state law and regulations adopted pursuant thereto. Any local government which adopts a regulation or ordinance pursuant to this section shall file a certified copy of such regulation or ordinance, and any amendment thereto, with the patrol.
- (2) No person shall be prosecuted for a violation of both the provisions of part 1, 2, or 3 of this article and the provisions of such local ordinance or regulation when such prosecution arises out of the same incident.

History

Source:

L. 94: Entire title amended with relocations, p. 2518, § 1, effective January 1, 1995.

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C.R.S. 42-20-107

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42-20-107. Hazardous materials safety fund

- (1) There is hereby created in the state treasury the hazardous materials safety fund, which shall consist of:
 - (a) Such moneys as may be appropriated thereto by the general assembly from time to time;
 - (b) Any permit fees collected pursuant to section 42-20-202;
 - (c) Any penalties collected by a state agency or by a court, as provided in section 42-20-305 (3);
 - (d) Any penalties collected pursuant to section 42-20-204 (4);
 - (e) Any gifts or donations made to the state of Colorado or any agency thereof specifically for the purpose of carrying out the provisions of parts 1, 2, and 3 of this article;
 - (f) Any federal funds made available to the state of Colorado or any agency thereof specifically for the purpose of carrying out the provisions of parts 1, 2, and 3 of this article;
 - (g) Any excess moneys credited to the fund in accordance with section 40-2-110.5 (9), C.R.S.
- (2) The moneys in the hazardous materials safety fund shall be subject to appropriation by the general assembly for the purposes of parts 1, 2, and 3 of this article.
- (3) At the end of each fiscal year, any moneys remaining in the hazardous materials safety fund shall not revert to the general fund but shall be subject to appropriation by the general assembly to the executive director of the department of public safety for disbursement to local governments for purposes related to the preparation and training for and response to hazardous materials incidents.
- (4) Repealed.

History

Source:

L. 94: Entire title amended with relocations, p. 2519, § 1, effective January 1, 1995. L. 2006: (1)(g) added, p. 1095, § 5, effective August 7. L. 2014: (4) added, (HB 14-1081), ch. 8, p. 91, § 3, effective February 27. L. 2015: (4) repealed, (SB 15-264), ch. 259, p. 969, § 97, effective August 5.

C.R.S. 42-20-108

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42-20-108. Rules and regulations for transportation of hazardous materials

- (1) The chief shall promulgate rules and regulations pursuant to section 24-4-103, C.R.S., for the safe transportation of hazardous materials by motor vehicle, both in interstate and intrastate transportation. Such rules and regulations shall be applicable to any person who transports or ships, or who causes to be transported or shipped, a hazardous material by motor vehicle. Such rules and regulations may govern any safety aspect of the transportation of hazardous materials which the chief deems appropriate, including, but not limited to, the packaging, handling, labeling, marking, and placarding of hazardous materials and motor vehicles transporting hazardous materials, the qualifications of drivers of motor vehicles transporting hazardous materials, financial responsibility requirements, and the use of any package or container in the transportation of hazardous materials which is not manufactured, fabricated, marked, labeled, maintained, reconditioned, repaired, or tested in accordance with such rules and regulations.
- (2) The chief shall also promulgate rules and regulations pursuant to section 24-4-103, C.R.S., for the permitting and routing of hazardous materials transportation by motor vehicle within this state and the inspection of vehicles transporting hazardous materials.
- (3) In adopting such rules and regulations, the chief shall use as general guidelines the standards and specifications for the safe transportation of hazardous materials contained in federal statutes, and in the rules and regulations promulgated thereunder, as amended from time to time. The rules and regulations adopted by the chief shall not unduly burden interstate or intrastate commerce and shall be no more stringent than federal statutes and the rules and regulations promulgated thereunder.
- (4) The rules and regulations adopted by the chief pursuant to subsection (2) of this section shall not apply to farm machinery which is exempted from registration requirements pursuant to section 42-3-103, agricultural distribution equipment attached to or conveyed by such farm machinery, or vehicles used to transport to or from the farm or ranch site products necessary for agricultural production, except when such vehicles are used in the furtherance of any commercial business other than agriculture.
- (5) The rules and regulations adopted by the chief shall provide for the issuance of a certificate of inspection which shall exempt inspected vehicles from additional inspections for a period of at least sixty days unless there is probable cause to assume that the vehicle is in an unsafe condition.

History

Source:

L. 94: Entire title amended with relocations, p. 2519, § 1, effective January 1, 1995.

C.R.S. 42-20-109

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42-20-109. Penalty for violations

- (1) Any person who violates a rule or regulation promulgated by the chief pursuant to section 42-20-104 commits a class 3 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S.
- (2) Any person who violates a rule promulgated by the chief pursuant to section 42-20-108 commits a class 2 misdemeanor traffic offense and shall be punished as provided in section 42-4-1701.
- (3) No conviction pursuant to this section shall bar enforcement by the public utilities commission of any provision of title 40, C.R.S., with respect to violations by persons subject to said title.

History

Source:

L. 94: Entire title amended with relocations, p. 2520, § 1, effective January 1, 1995. L. 95: (3) amended, p. 962, § 25, effective May 25. L. 2002: (1) and (2) amended, p. 1564, § 381, effective October 1. L. 2006: (2) amended, p. 1064, § 3, effective July 1.

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C.R.S. 42-20-110

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42-20-110. Immobilization of unsafe vehicles

Any enforcement official shall have the power to immobilize, impound, or otherwise direct the disposition of motor vehicles transporting hazardous materials when the enforcement official deems that the motor vehicle or the operation thereof is unsafe and when such immobilization, impoundment, or disposition is appropriate under or required by rules and regulations promulgated by the chief pursuant to section 42-20-104.

History

Source:

L. 94: Entire title amended with relocations, p. 2520, § 1, effective January 1, 1995.

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C.R.S. 42-20-111

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42-20-111. Additional penalties

Any person, corporation, partnership, or other entity which intentionally or knowingly authorizes, solicits, requests, commands, conspires in, or aids and abets in the violation of any of the provisions of part 1, 2, or 3 of this article commits a class 1 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S.

History

Source:

L. 94: Entire title amended with relocations, p. 2521, § 1, effective January 1, 1995. L. 2002: Entire section amended, p. 1564, § 382, effective October 1.

COLORADO REVISED STATUTES

C.R.S. 42-20-112

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42-20-112. Reimbursement of local governments

- (1) A public entity, political subdivision of the state, or other unit of local government is hereby given the right to claim reimbursement for the costs resulting from action taken to remove, contain, or otherwise mitigate the effects of a hazardous materials abandonment or a hazardous materials spill.
- (2) Nothing contained in this section shall be construed to change or impair any right of recovery or subrogation arising under any other provision of law.
- (3) Claims for reimbursement made pursuant to this section shall be in accordance with article 22 of title 29, C.R.S.

History

Source:

L. 94: Entire title amended with relocations, p. 2521, § 1, effective January 1, 1995.

COLORADO REVISED STATUTES

C.R.S. 42-20-113

This document reflects changes current through all laws passed at the First Regular Session of the Seventieth General Assembly of the State of Colorado (2015)

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42-20-113. Hazardous materials spill - abandonment of vehicle containing hazardous material - penalty

- (1) No person shall abandon any vehicle containing any hazardous material excluding that which is considered fuel and is contained within the vehicle's fuel tank or shall intentionally spill hazardous materials upon a street, highway, right-of-way, or any other public property or upon any private property without the express consent of the owner or person in lawful charge of that private property.
- (2) (a) As used in this section, "abandon" means to leave a thing with the intention not to retain possession of or assert ownership or control over it. The intent need not coincide with the act of leaving.
(b) It is prima facie evidence of the necessary intent that:
 - (I) The vehicle has been left for more than three days unattended and unmoved; or
 - (II) License plates or other identifying marks have been removed from the vehicle; or
 - (III) The vehicle has been damaged or is deteriorated so extensively that it has value only for junk or salvage; or
 - (IV) The owner has been notified by a law enforcement agency to remove the vehicle and it has not been removed within twenty-four hours after notification.
- (3) The driver of a motor vehicle transporting hazardous materials as cargo which is involved in a hazardous materials spill, whether intentional or unintentional, shall give immediate notice of the location of such spill and such other information as necessary to the nearest law enforcement agency.
- (4) Any person who violates the provisions of subsection (3) of this section commits a class 3 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S.

History

Source:

L. 94: Entire title amended with relocations, p. 2521, § 1, effective January 1, 1995. L. 2002: (4) amended, p. 1565, § 383, effective October 1.

C.R.S. 42-20-201

This document reflects changes current through all laws passed at the First Regular Session of the Seventieth General Assembly of the State of Colorado (2015)

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PERMIT SYSTEM FOR HAZARDOUS MATERIALS**

42-20-201. Hazardous materials transportation permit required

Except as otherwise provided in this part 2, no transportation of hazardous materials by motor vehicle which requires placarding under 49 CFR part 172 or 173 shall take place in, to, from, or through this state until the public utilities commission issues a permit, in accordance with the provisions of this part 2, authorizing the applicant to operate or move upon the public roads of this state a motor vehicle or a combination of motor vehicles which carries hazardous materials. This part 2 shall not apply to motor vehicles owned by the federal government, motor vehicles when used to transport to or from the farm or ranch site products used for agricultural production, or farm machinery which is exempted from registration requirements by section 42-3-103, unless such vehicles are used in furtherance of any commercial business other than agriculture. This part 2 shall apply to motor vehicles owned by the state or any political subdivision thereof; except that such vehicles shall be exempt from the fees provided in section 42-20-202. The requirements of this part 2 shall be in addition to, and not in substitution for, any other provisions of law.

History

Source:

L. 94: Entire title amended with relocations, p. 2522, § 1, effective January 1, 1995.

COLORADO REVISED STATUTES

C.R.S. 42-20-202

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42-20-202. Transportation permit - application fee

(1) (a) Except as otherwise provided in this section, each person desiring to transport hazardous materials which require placarding under 49 CFR part 172 or 173 in, to, from, or through this state shall submit a permit application for an annual permit to the public utilities commission prior to beginning such transportation. Permit applications shall be in a form designated by the public utilities commission, and the public utilities commission shall maintain records of all such applications.

(b) Each annual permit shall be valid for one year following its issuance and shall be issued after the approval of the permit application by the public utilities commission and upon the payment of a permit fee, which fee shall be based on the number of motor vehicles the applicant operates within this state, as follows:

[See table in printed version]

(c) Single trip permits may be obtained at all port of entry weigh stations and from the Colorado state patrol. Each person transporting such hazardous materials in, to, from, or through this state who has not obtained an annual permit from the public utilities commission shall apply at the closest possible port of entry weigh station or to an officer or office of the Colorado state patrol for a single trip permit. Each single trip permit shall be valid for a single continuous business venture, but in no event shall the permit be valid for more than seventy-two hours, unless extended by any enforcement official for any reason the official deems advisable, including mechanical difficulties and road and weather conditions. The single trip permit shall be issued upon the approval of the permit application and upon the payment of a twenty-five-dollar permit fee.

(d) The public utilities commission shall provide the option to a company filing for a permit under this subsection (1) to file an express consent waiver that enables the company to designate a company representative to be a party of interest for a violation of this section. The appearance of the company representative in a court hearing without the operator when the operator has signed such waiver shall not be deemed the practice of law in violation of article 5 of title 12, C.R.S.

(2) No annual permit application shall be approved unless the applicant:

(a) Supplies proof of having obtained liability insurance as required by the United States department of transportation pursuant to 49 CFR 387. Proof of such liability insurance policy shall be filed with the public utilities commission. The insurance carrier shall give thirty days' written notice for nonpayment of premium and ninety days' notice for nonrenewal of policy to the public utilities commission before the cancellation of such policy. At any time that the insurance policy lapses, the permit shall be automatically revoked.

(b) Agrees to comply with the rules and regulations promulgated pursuant to section 42-20-108.

(3) No single trip permit application shall be approved unless the applicant:

(a) Supplies proof of having liability insurance as required by the United States department of transportation pursuant to 49 CFR 387 or signs a verification under the penalty of perjury as provided in section 42-3-122 that the applicant has the liability insurance as required by the United States department of transportation pursuant to 49 CFR 387;

- (b) Agrees to comply with the rules and regulations promulgated pursuant to section 42-20-108.
- (4) The chief is authorized to promulgate such reasonable rules and regulations as may be necessary or desirable in governing the issuance of permits, if such rules and regulations are not in conflict with other provisions of state law.
- (5) Any fees collected pursuant to this section shall be transmitted to the state treasurer, who shall credit the same to the hazardous materials safety fund created in section 42-20-107.

History

Source:

L. 94: Entire title amended with relocations, p. 2522, § 1, effective January 1, 1995. L. 2005: (3)(a) amended, p. 1180, § 25, effective August 8. L. 2006: (1)(d) added, p. 310, § 3, effective July 1.

C.R.S. 42-20-203

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PERMIT SYSTEM FOR HAZARDOUS MATERIALS**

42-20-203. Carrying of permit and shipping papers

- (1) Any person transporting hazardous materials that require placarding under 49 CFR part 172 or 173 in this state shall carry a copy of the shipping papers required in 49 CFR 172.200 and a copy of the hazardous materials transportation permit issued by the public utilities commission or by the Colorado state patrol at a port of entry weigh station in the transporting motor vehicle while in this state; except that, if a peace officer, as described in section 16-2.5-101, C.R.S., or any other enforcement official may determine that the hazardous materials transportation permit can be electronically verified at the time of contact, a copy of the permit need not be carried by the person transporting hazardous materials. The permit shall be open to inspection or electronic verification by any enforcement official.
- (2) In the event of an accident involving hazardous materials, the operator of the motor vehicle shall provide the shipping papers to the emergency response authorities designated in or pursuant to article 22 of title 29, C.R.S., and immediately bring to their attention the fact that the motor vehicle is carrying hazardous materials.

History

Source:

L. 94: Entire title amended with relocations, p. 2523, § 1, effective January 1, 1995. L. 2003: (1) amended, p. 583, § 4, effective January 1, 2004. L. 2004: (1) amended, p. 1212, § 102, effective August 4. L. 2012: (1) amended, (HB 12-1019), ch. 135, p. 472, § 22, effective July 1.

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C.R.S. 42-20-204

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42-20-204. Permit violations - penalties

- (1) Any person who transports hazardous materials without a permit in violation of any of the provisions of section 42-20-201 commits a misdemeanor traffic offense and shall be assessed a penalty of two hundred fifty dollars in accordance with the procedure set forth in section 42-20-105 (2). Any person who intentionally transports hazardous materials without a permit in violation of any of the provisions of section 42-20-201 commits a class 1 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S. For the purposes of this subsection (1), if any person who previously has acknowledged guilt or has been convicted of a misdemeanor pursuant to this subsection (1) subsequently transports hazardous materials without a permit in violation of any of the provisions of section 42-20-201, a permissive inference is created that such subsequent transportation without a permit was intentional.
- (2) Any person who has obtained an annual or a single trip hazardous materials transportation permit but fails to have a copy of said permit in the cab of the motor vehicle while transporting hazardous materials in, to, from, or through this state commits a class B traffic infraction and shall be assessed a penalty of twenty-five dollars in accordance with the procedure set forth in section 42-4-1701 (4) (a) (V); except that, if a peace officer, as described in section 16-2.5-101, C.R.S., or any other enforcement official may determine that the permit can be electronically verified at the time of contact, a copy of the permit need not be in the cab of the motor vehicle.
- (3) Any person who knowingly violates any of the terms and conditions of an annual or single trip hazardous materials transportation permit commits a class 1 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S.
- (4) All penalties collected pursuant to this section by a state agency or by a court shall be transmitted to the state treasurer, who shall credit the same to the hazardous materials safety fund created in section 42-20-107.
- (5) Every court having jurisdiction over offenses committed under this section shall forward to the chief a record of the conviction of any person in said court for a violation of any said laws within forty-eight hours after such conviction. The term "conviction" means a final conviction.

History

Source:

L. 94: Entire title amended with relocations, p. 2524, § 1, effective January 1, 1995. L. 2002: (1) and (3) amended, p. 1565, § 384, effective October 1. L. 2003: (2) amended, p. 583, § 5, effective January 1, 2004. L. 2004: (2) amended, p. 1212, § 103, effective August 4.

C.R.S. 42-20-205

This document reflects changes current through all laws passed at the First Regular Session of the Seventieth General Assembly of the State of Colorado (2015)

**Colorado Revised Statutes > TITLE 42. VEHICLES AND TRAFFIC > HIGHWAY SAFETY
> ARTICLE 20. TRANSPORTATION OF HAZARDOUS AND NUCLEAR MATERIALS > PART 2.
PERMIT SYSTEM FOR HAZARDOUS MATERIALS**

42-20-205. Permit suspension or revocation

In addition to any other civil or criminal penalties, the public utilities commission may suspend the hazardous materials transportation annual permit for a period not to exceed six months or may revoke such permit for failure to comply with the terms and conditions of such permit, for failure to pay a civil penalty assessed pursuant to section 42-20-204, or for continuing violations of the regulations promulgated pursuant to part 1, 2, or 3 of this article. The permit may be suspended or revoked only for good cause shown after due notice and an opportunity for a hearing as provided in article 4 of title 24, C.R.S., if requested by the permit holder.

History

Source:

L. 94: Entire title amended with relocations, p. 2524, § 1, effective January 1, 1995.

COLORADO REVISED STATUTES

C.R.S. 42-20-206

This document reflects changes current through all laws passed at the First Regular Session of the Seventieth General Assembly of the State of Colorado (2015)

**Colorado Revised Statutes > TITLE 42. VEHICLES AND TRAFFIC > HIGHWAY SAFETY
> ARTICLE 20. TRANSPORTATION OF HAZARDOUS AND NUCLEAR MATERIALS > PART 2.
PERMIT SYSTEM FOR HAZARDOUS MATERIALS**

42-20-206. Local government preemption

No county, city and county, city, or town shall establish any permit or fee system for the transportation of hazardous materials by motor vehicle.

History

Source:

L. 94: Entire title amended with relocations, p. 2525, § 1, effective January 1, 1995.

COLORADO REVISED STATUTES

C.R.S. 42-20-300.3

This document reflects changes current through all laws passed at the First Regular Session of the Seventieth General Assembly of the State of Colorado (2015)

**Colorado Revised Statutes > TITLE 42. VEHICLES AND TRAFFIC > HIGHWAY SAFETY
> ARTICLE 20. TRANSPORTATION OF HAZARDOUS AND NUCLEAR MATERIALS > PART 3.
ROUTE DESIGNATION FOR HAZARDOUS MATERIALS**

42-20-300.3. Definitions

As used in this part 3, unless the context otherwise requires:

- (1) "Route designation" means a designation of a route by the state patrol under this part 3.

History

Source:

L. 2011: Entire section added, (HB 11-1176), ch. 56, p. 149, § 1, effective August 10.

COLORADO REVISED STATUTES

C.R.S. 42-20-301

This document reflects changes current through all laws passed at the First Regular Session of the Seventieth General Assembly of the State of Colorado (2015)

Colorado Revised Statutes > TITLE 42. VEHICLES AND TRAFFIC > HIGHWAY SAFETY > ARTICLE 20. TRANSPORTATION OF HAZARDOUS AND NUCLEAR MATERIALS > PART 3. ROUTE DESIGNATION FOR HAZARDOUS MATERIALS

42-20-301. Route designation

- (1) (a) The patrol, after consultation with local governmental authorities, has the sole authority to designate which public roads are to be used and which are not to be used by motor vehicles transporting hazardous materials. The patrol shall exercise its authority in accordance with section 42-20-302. Gasoline, diesel fuel, and liquefied petroleum gas are exempt from route designation unless the petitioning authority specified in section 42-20-302 requests their inclusion. The patrol may exempt crude oil from route designation after a request from the petitioning authority.
- (b) The patrol may include, as part of designated route restrictions, the closing of streets and highways and other conditions or restrictions the patrol deems advisable, except for hours of operation and curfews.
- (c) Routes designated by the patrol in accordance with this part 3 do not apply to motor vehicles when used to transport to or from the farm or ranch site products necessary for agricultural production.
- (d) No city, county, or city and county may impose restrictions on hours of operation on designated routes; except that this paragraph (d) does not apply to any city, county, or city and county that, by resolution or ordinance, had routes or hours of operation restrictions in effect on July 1, 1985.
- (2) The patrol may approve route designations only for those materials listed in table 1 of 49 CFR 172.504, in any quantities, and those materials listed in table 2 of 49 CFR 172.504, when carried in quantities of five hundred gallons or more; except that the patrol may not accept or approve route designations for those materials listed in table 2 when packaged in containers of five gallons or less or when packaged as consumer commodities as defined in 49 CFR 173.1200.
- (3) Notwithstanding any other provision of this part 3 or part 1 or 2 of this article to the contrary, the transportation commission may regulate hours of operation of the Eisenhower-Johnson tunnels, structure numbers F13Y and F13X, respectively, on interstate 70.

History

Source:

L. 94: Entire title amended with relocations, p. 2525, § 1, effective January 1, 1995. L. 95: (3) amended, p. 963, § 26, effective May 25. L. 99: (3) amended, p. 45, § 1, effective August 4. L. 2011: (1) amended, (HB 11-1176), ch. 56, p. 149, § 2, effective August 10.

C.R.S. 42-20-302

This document reflects changes current through all laws passed at the First Regular Session of the Seventieth General Assembly of the State of Colorado (2015)

Colorado Revised Statutes > TITLE 42. VEHICLES AND TRAFFIC > HIGHWAY SAFETY > ARTICLE 20. TRANSPORTATION OF HAZARDOUS AND NUCLEAR MATERIALS > PART 3. ROUTE DESIGNATION FOR HAZARDOUS MATERIALS

42-20-302. Application for route designation - procedure - approval

- (1) Petitions for new route designations or for a change in an existing route designation may be submitted to the patrol no more than once a year:
 - (a) By a county, with respect to any public road maintained by the county, upon approval of the petition by the board of county commissioners of such county;
 - (b) By a town, city, or city and county, with respect to any public road located within such town, city, or city and county, upon approval of the petition by the governing body of such town, city, or city and county;
 - (c) By the department of transportation, with respect to any public road maintained by the state, except for any public road located within a town, city, or city and county, upon approval of the petition by the transportation commission.
- (2) A county, town, city, or city and county, with approval of the patrol, may adopt and enforce regulations or ordinances concerning the parking of motor vehicles, if such regulations and ordinances, as enforced or applied, do not prohibit or exclude motor vehicles carrying hazardous materials from the enforcing jurisdiction and do not unreasonably limit parking on or near the designated routes through the enforcing jurisdiction or for pickup and delivery.
- (3) The petition shall describe specifically the designation sought, shall identify any local business or industry which is known to be significantly reliant on hazardous materials transportation and which would be affected by the designation, and shall include any other information which is necessary for the patrol to act upon the petition and which is required by rule and regulation of the patrol.
- (4) Upon the filing of a complete petition with the patrol, the patrol shall give adequate public notice of such petition, including at least the following:
 - (a) Notification by certified mail to the governing body of any county, town, city, or city and county which would be affected by the route designation; and
 - (b) Publication in a newspaper having general circulation in each affected community once each week for three consecutive weeks.
- (5) If the petitioner is not the department of transportation, the patrol shall provide a copy of the petition to the department of transportation for its review and comment.
- (6) No sooner than thirty days after the requirements of subsections (3) and (4) of this section have been met and after reasonable notice to the petitioner, to the department of transportation, and to any persons requesting such notice, the patrol shall hold an informal public conference on the petition. At such conference, representatives of the petitioner and the department of transportation and any interested persons shall be afforded the opportunity to comment on the petition, and the petitioner shall have the opportunity to amend the petition. The patrol shall approve the designation if there is no opposition to the petition and if the requirements of subsection (8) of this section have been met.
- (7) If there is opposition to the petition at the informal public conference and no agreement can be reached, the patrol shall hold a formal public hearing and act on the petition in accordance with the provisions of article 4 of title 24, C.R.S.

- (8) No route designation shall be approved by the patrol unless it finds that:
- (a) The routes available for the transportation of hazardous materials by motor vehicle:
 - (I) Are feasible, practicable, and not unreasonably expensive for such transportation;
 - (II) Are continuous within a jurisdiction and from one jurisdiction to another;
 - (III) Provide greater safety to the public than other feasible routes; and
 - (IV) Do not unreasonably burden interstate or intrastate commerce;
 - (b) The designation is not arbitrary or intended by the petitioner merely to divert the transportation of hazardous materials to other communities;
 - (c) Reasonable provision is made for signs along the affected public roads giving adequate notice of the designation to the public, to affected industry, and to transporters of hazardous materials. Such signs shall not be required in jurisdictions where the governmental authority has provided the patrol with professional quality maps which indicate the route designations in that jurisdiction.
 - (d) The designation will not interfere with the pickup or delivery of hazardous materials; and
 - (e) The designation is consistent with all applicable federal laws and regulations.
- (9) Any town, city, city and county, or county may request the department of transportation to submit a petition to the patrol for a route designation on any highway maintained by the state within the jurisdiction of said local entity.
- (10) The patrol shall make a final decision to approve or deny any petition for a route designation within six months of the filing of the petition.
- (11) (a) The patrol shall base the approval or denial of a petition to exempt crude oil upon due consideration of the factors listed in subsection (8) of this section.
- (b) The patrol shall approve route designations for gasoline, diesel fuel, and liquefied petroleum gas requested by petitioning authorities under section 42-20-301 (1) where the designations follow routes approved by the patrol for other hazardous materials under this section.

History

Source:

L. 94: Entire title amended with relocations, p. 2525, § 1, effective January 1, 1995. L. 2011: (11) amended, (HB 11-1176), ch. 56, p. 150, § 3, effective August 10.

C.R.S. 42-20-303

This document reflects changes current through all laws passed at the First Regular Session of the Seventieth General Assembly of the State of Colorado (2015)

**Colorado Revised Statutes > TITLE 42. VEHICLES AND TRAFFIC > HIGHWAY SAFETY
> ARTICLE 20. TRANSPORTATION OF HAZARDOUS AND NUCLEAR MATERIALS > PART 3.
ROUTE DESIGNATION FOR HAZARDOUS MATERIALS**

42-20-303. Road signs required - uniform standards

Signs giving adequate notice of route designations shall be placed and maintained along public roads affected by such designations. In accordance with part 6 of article 4 of this title and section 42-4-105, the department of transportation shall adopt uniform standards for highway signs giving notice of route designations. The requirements of this section shall not apply to jurisdictions in which the governmental authority has provided the patrol with professional quality maps which indicate the route designations in that jurisdiction.

History

Source:

L. 94: Entire title amended with relocations, p. 2527, § 1, effective January 1, 1995.

COLORADO REVISED STATUTES

C.R.S. 42-20-304

This document reflects changes current through all laws passed at the First Regular Session of the Seventieth General Assembly of the State of Colorado (2015)

**Colorado Revised Statutes > TITLE 42. VEHICLES AND TRAFFIC > HIGHWAY SAFETY
> ARTICLE 20. TRANSPORTATION OF HAZARDOUS AND NUCLEAR MATERIALS > PART 3.
ROUTE DESIGNATION FOR HAZARDOUS MATERIALS**

42-20-304. Emergency closure of public roads

Nothing in part 1, 2, or 3 of this article shall limit the authority of state and local authorities to close public roads temporarily if necessary because of any road construction or maintenance, an accident, a natural disaster, the weather conditions, or any other emergency circumstances resulting in making road conditions unsafe for travel by motor vehicles transporting hazardous materials.

History

Source:

L. 94: Entire title amended with relocations, p. 2528, § 1, effective January 1, 1995.

COLORADO REVISED STATUTES

C.R.S. 42-20-305

This document reflects changes current through all laws passed at the First Regular Session of the Seventieth General Assembly of the State of Colorado (2015)

Colorado Revised Statutes > TITLE 42. VEHICLES AND TRAFFIC > HIGHWAY SAFETY > ARTICLE 20. TRANSPORTATION OF HAZARDOUS AND NUCLEAR MATERIALS > PART 3. ROUTE DESIGNATION FOR HAZARDOUS MATERIALS

42-20-305. Deviation from authorized route - penalty

- (1) No person shall transport hazardous materials by motor vehicle contrary to any route designation approved by the patrol pursuant to this part 3 unless such action is necessary to service a motor vehicle or to make a local pickup or delivery of hazardous materials or unless such action is so required by emergency conditions which would make continued use of authorized routes unsafe or by the closure of an authorized route pursuant to section 42-20-304, and, in such circumstances, the motor vehicle shall remain on authorized routes whenever possible and shall minimize the distance traveled on restricted routes. A person transporting hazardous materials by motor vehicle may make successive local pickups and deliveries without returning to the authorized route between each pickup or delivery when such return would be unreasonable. A person transporting hazardous materials shall not utilize residential streets unless there is no other reasonable route available to reach the destination.
- (2) Any person who transports hazardous materials by motor vehicle in a manner inconsistent with the provisions of subsection (1) of this section commits a misdemeanor traffic offense and shall be assessed a penalty of two hundred fifty dollars for each separate violation in accordance with the procedure set forth in section 42-20-105 (2). A person who commits a second or subsequent violation within a twelve-month period of transporting hazardous materials by motor vehicle in a manner inconsistent with the provisions of subsection (1) of this section commits a misdemeanor traffic offense and shall be issued a summons and complaint in accordance with the provisions of section 42-4-1707 (1), and, upon conviction thereof, shall be punished by a fine of not less than two hundred fifty dollars nor more than five hundred dollars.
- (3) All penalties collected pursuant to this section by a state agency or by a court shall be transmitted to the state treasurer, who shall credit the same to the hazardous materials safety fund created in section 42-20-107.
- (4) Every court having jurisdiction over offenses committed under subsection (2) of this section shall forward to the chief a record of the conviction of any person in said court for a violation of any said laws within forty-eight hours after such conviction. The term "conviction" means a final conviction.

History

Source:

L. 94: Entire title amended with relocations, p. 2528, § 1, effective January 1, 1995.